



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,368	03/25/2004	Andreas Bergmann	2582.024A	4724

⁷⁵⁹⁰
KATHY SMITH DIAS, ESQ.
HESLIN ROTHENBERG FARLEY & MESTTI P.C.
5 COLUMBIA CIRCLE
ALBANY, NY 12203-5160

10/31/2008

EXAMINER

MERTZ, PRIMA MARIA

ART UNIT

PAPER NUMBER

1646

MAIL DATE

DELIVERY MODE

10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/808,368

Applicant(s)

BERGMANN ET AL.

Examiner

Prema M. Mertz

Art Unit

1646

All participants (applicant, applicant's representative, PTO personnel):

(1) Prema M. Mertz (Primary Examiner).

(3) _____.

(2) Tony Zelano (Attorney).

(4) _____.

Date of Interview: 27 October 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____.

Claim(s) discussed: 8-10.

Identification of prior art discussed: Lubbesmeyer et al (1988), US Patent No. 5,639,617 and DRG Instruments GmbH

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The rejection of claims 8-10 under 35 U.S.C. 103(a) as unpatentable over Lubbesmeyer et al (1988) in view of U.S. Patent No. 5,639,617 and DRG Instruments GmbH was discussed.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Prema Mertz/
Primary Examiner